



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 16, 2023

The Hon. Mary Kay Vyskocil
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *United States v. Jeffrey Parket, 22 Cr. 311 (MKV)*

Dear Judge Vyskocil:

I respectfully submit this letter to again apologize for filing the Government's sentencing submission in this case four days late, on November 13, 2023. In light of the Court's Order that the Government should be prepared to show cause for failing to comply with the rules and orders of the Court, (Dkt. 95), I also write to make clear that there is no excuse for failing to comply with the Court's rules and orders, and to explain that I did not deliberately disregard the Court's directive.

On October 4, 2023, the Court issued an order scheduling sentencing for November 22, 2023. (Dkt. No. 85). I calendared the sentencing immediately upon seeing the CM/ECF notice. In addition, I knew that the Court's rules require the Government to submit its sentencing papers one week in advance of the sentencing, and so I calendared the sentencing submission deadline accordingly. On October 6, 2023, the Court issued a second order resetting the sentencing for November 16, 2023, and therefore moving the Government's sentencing deadline accordingly. (Dkt. No. 86). Unfortunately, I failed to see this second notice. Had I seen it, I would have realized that the submission deadline was November 9 and changed my calendar entry. Moreover, since the defendant had submitted his papers in June 2023 and not two weeks in advance of sentencing, I did not realize my error until the night of November 12, 2023—after the Government's deadline had passed—when I spoke with defense counsel by phone about a potential Sentencing Guidelines issue that the Court had directed the parties to address by November 13. (Dkt. No. 92).¹ During that call, defense counsel mentioned that the sentencing date had been changed to November 16 and I immediately realized my error.

After my November 12th call with the defense, I moved to finalize the Government's sentencing submission, and then sent the papers to my supervisor for review and approval. I was

¹ The Court directed the parties to file a letter to address whether the new U.S. Sentencing Guidelines, effective as of November 1, 2023, would have any effect on the defendant's case.

concerned about the delay and error, and so I emailed the Court, at 4:18 a.m. on November 13, to apologize for my error and to confirm that the submission would be filed later that day. After receiving supervisory approval, I filed the submission later that morning, at approximately 11:44 a.m. I regret I could not also send the proposed restitution order to the Court because, although the proposed order was largely complete, it included a special provision unique to the facts of the case and required additional consultation with defense counsel. I have engaged with defense counsel on this issue and will prioritize the matter. The Government will submit the proposed final order well in advance of the new January 11, 2024 sentencing date.

I recognize that it is my responsibility to manage my calendar, and that the Government must carefully manage its case calendar to avoid errors that burden the Court, the defense, and victims awaiting justice. I have provided the above account to explain that there was no intention to deliberately disregard the directives of the Court. I sincerely apologize for my error.

Respectfully submitted,

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